

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
RALEIGH DIVISION**

**IN RE:**

**KEITH DOUGLASS MEDLIN,**  
  
**DEBTOR,**

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**JANET BEABOUT and VIVIAN  
HUMPHREY,**  
**Plaintiffs,**

**vs.**

**KEITH DOUGLAS MEDLIN,**  
**Defendant.**

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) **CASE NO. 19-00298-5-DMW**  
) **CHAPTER 13**  
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) **ADVERSARY PROCEEDING NO.**  
) **19-00063-5-DMW**  
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**PRE-ANSWER MOTION TO DISMISS**

NOW COMES DEFENDANT, by and through the undersigned counsel, and moves the Court, prior to the time to answer the Amended Complaint (AP Doc 7) and pursuant to Federal Rule of Bankruptcy Procedure 7012(b) (incorporating Federal Rule of Civil Procedure 12(b)(6)), to dismiss Plaintiffs' Count I – Fraud and Count II – Breach of Contract. Pursuant to Bankruptcy Rule 7012(b) the Defendant consents to entry of a final order by the bankruptcy court.

In support of the foregoing Motion, Defendant offers his Memorandum of Law in Support of Defendant's Pre-Answer Motion to Dismiss Amended Complaint contemporaneously filed herewith.

WHEREFORE, Defendant respectfully requests that the Court enter an Order including the following relief:

- A. that Plaintiffs' AP Amended Complaint be dismissed with prejudice in its entirety;
- B. that Defendant be allowed fourteen (14) days to file an Answer to the AP Amended Complaint in the event that Defendant's Pre-Answer Motion to Dismiss is denied in full or in part; and
- C. that Defendant have such other and further relief as is just and proper.

Respectfully submitted this, the 1st of July, 2019.

SASSER LAW FIRM

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**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing document was served on all parties or their counsel of record through the CM/ECF system if they are registered users or, if they are not, by serving a true and correct copy at the addresses listed below at their last known address by first class U.S. Mail with sufficient postage thereon:

Todd A. Jones, Esq.  
Attorney for Plaintiffs  
***Served Electronically via CM/ECF***

This, the 1st day of July, 2019.

SASSER LAW FIRM

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